

corresponding to the known N-terminus region of the human L-FABP, following the 6 amino acid residues (Ile Ser Glu Phe Gly Ser) (SEQ ID NO: 1) derived from the junction sequence of the vector at the N-terminus amino acid sequence thereof. --

Please insert the Sequence Listing enclosed herewith immediately after the abstract.

REMARKS

In the Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated January 15, 2002 the Examiner states that "Specifically Examiner is referring to the sequence(s) added by Applicant's Amendment to page 25 of the specification." In this regard, Applicants draw the Examiner's attention to the fact that they were simply correcting a typographical error on page 25 of the specification. In particular, Applicants were correcting the word "necleotide" to correctly read "nucleotide". No sequences were added by the Amendment filed September 10, 2001.

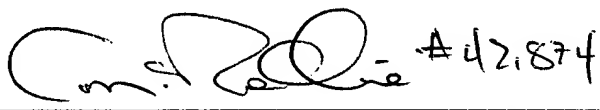
The amendment currently being made to the specification is intended to reference the amino acid sequence found on page 27 by a unique SEQ ID NO. No new matter is introduced by this amendment.

Enclosed herewith in full compliance to 37 C.F.R. §§1.821-1.825 is a Sequence Listing to be inserted into the specification as indicated above. The Sequence Listing in no way introduces new matter into the specification. Also submitted herewith in full compliance to 37 C.F.R. §§1.821-1.825 is a disk copy of the Sequence Listing. The disk copy of the Sequence Listing, file "0020-4710P.ST25", is identical to the paper copy, except that it lacks formatting.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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for Gerald M. Murphy, Jr., #28,977

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0020-4710P

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Attachments: Disk Copy of Sequence Listing
 Paper Copy of Sequence Listing
 Copy of Notice to Comply

VERSION WITH MARKINGS TO SHOW CHANGES MADE

(Material being **added** is shown as bold, no material is being deleted)

The paragraph beginning on page 27, line 17:

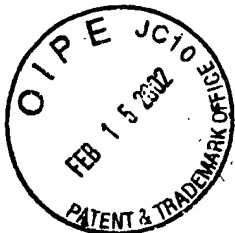
The purified recombinant human L-FABP thus obtained was assayed for amino acid sequence thereof by an amino acid sequencer. As a result, it was confirmed that there were 14 amino acid residues corresponding to the known N-terminus region of the human L-FABP, following the 6 amino acid residues (Ile Ser Glu Phe Gly Ser) **(SEQ ID NO: 1)** derived from the junction sequence of the vector at the N-terminus amino acid sequence thereof.



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APPLICATION NO. 09/578,693 CONTROL NO.	FILING DATE 05/26/00	FIRST NAMED INVENTOR / Yamanouchi et al. PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. 20-4710P
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EXAMINER

Lisa V. Cook

ART UNIT	PAPER
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1641

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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132. See pages 25-27 of the disclosure.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the one month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa V. Cook, whose telephone number is 703-305-0808.

*Christopher L. Chin*CHRISTOPHER L. CHIN
PRIMARY EXAMINER
GROUP 1800-1641*Lisa V. Cook*
1/10/01

Notice to Comply	Application No.	Applicant(s)	
	09/578,693	Yamanouchi et al.	
	Examiner	Art Unit	
	Lisa V. Cook	1641	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c), *specifically Examiner is referring to sequence(s) added by Applicant's amendment to page 25 of the specification*
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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